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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,865	10/25/2001	Stefan M. Pallazza	S63.2-9720	9976

490 7590 05/26/2004

VIDAS, ARRETT & STEINKRAUS, P.A.  
6109 BLUE CIRCLE DRIVE  
SUITE 2000  
MINNETONKA, MN 55343-9185

EXAMINER

NGUYEN, VI X

ART UNIT	PAPER NUMBER
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3731

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/682,865

Applicant(s)

PALLAZZA, STEFAN M.

Examiner

Victor X Nguyen

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 10, 13, 15, 20, 21, 24, 27 and 30-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14, 16-19, 22, 23, 25, 26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02.06.07/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. This application contains claims 10, 13,15,20-21,24,27 and 30-63 drawn to non-elected invention. In 3/10/2004, applicant elected to prosecute Group I, Species I. Furthermore, it was stated that all claims in group I read upon the elected species. However, claims 10, 13,15,20-21,24,27 and 30-63 do not read upon the elected species of Group I. Therefore, non-elected claims 10, 13,15,20-21,24,27 and 30-63 are withdrawn from further consideration.

The requirement is deemed proper and is therefore made **Final**.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 14, 16-19, 22-23, 25-26 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Di Caprio et al (U.S. 6,123,712).

Di Caprio et al disclose in Fig. 13, col. 4, lines 56-67 and col. 5, lines 1-35, a device for configuring an inflatable balloon of a balloon catheter assembly having the limitations of claims 1, 16-17 and 23, including: a body comprises a plurality of inflatable members (134, 144) defining a channel. Di Caprio et al disclose a device [that sized to accommodate at least a portion of a balloon catheter]. Each inflatable members has a balloon contacting portion that is capable of applying an inward force to a balloon (136,138,140) of a balloon catheter assembly

Art Unit: 3731

(fig. 13). The portion of the claim in brackets above indicates the intended use and all other functional statements have been carefully considered but are deemed not to impose any structural limitations on the claims distinguishable over Di Caprio reference which is capable of being used as claimed if one desires to do so.

As to claims 2-6 and 18-19, the device comprises at least three inflatable members (fig. 13). The inflatable members are tubular and has a circular cross section. The device further has a tube (142). The tube has a first end with a first opening and a second end with a second opening that has a passage therethrough.

As to claims 7-9, the device further comprises first end cap and second end caps. The segment of item 135 can be characterized as the first end cap that has the first opening and further to the right side of item 140 in fig. 13 can be characterized as the second end cap disposed at the second end of the tube.

As to claims 25-26 and 28-29, Di Caprio et al disclose in Fig. 13, col. 4, lines 56-67 and col. 5, lines 1-35, a method for configuring an inflatable balloon of a balloon catheter assembly having the limitations of claims 25-26 and 28-29, including: a body comprises a plurality of inflatable members (134, 144) defining a channel. Di Caprio et al disclose a device [that sized to accommodate at least a portion of a balloon catheter]. Each inflatable members has a balloon contacting portion that is capable of applying an inward force to a balloon (138, 136, 140) of a balloon catheter assembly (fig. 13).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3731

U.S. Pat. No. 6,136,011 to Stambaugh

U.S. Pat. No. 6,077,273 to Euteneuer

U.S. Pat. No. 5,415,635 to Bagaoisan

U.S. Pat. No. 4,990,139 to Jang

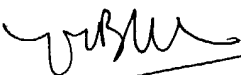
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X Nguyen whose telephone number is (703) 305-4898. The examiner can normally be reached on M-F (8-4.30 P.M).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Victor X Nguyen  
Examiner  
Art Unit 3731

Vn *VN*  
May 21, 2004

  
\_\_\_\_\_  
Primary Examiner  
AU 3731